

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2079

IN THE MATTER OF:

Served January 25, 1980

Application of ROSETTA D. MURRAY)
T/A MURRAY'S NON-EMERGENCY TRANS-)
PORT SERVICE for a Certificate)
of Public Convenience and)
Necessity to Perform Non-)
Emergency Medical Transportation)

Case No. AP-79-05

By application filed April 5, 1979, Rosetta D. Murray trading as Murray's Non-Emergency Transport Service (Murray) seeks a certificate of public convenience and necessity to transport "patients, for the receipt of medical service; to and from convalescent homes and to outings. Also to participate in the Medicaid and Medicare transportation program." In Order No. 2015, served August 7, 1979, the Commission granted Murray authority to perform special operations, over irregular routes, transporting transportation-disadvantaged persons and their attendants between points in the Metropolitan District, restricted against the transportation of participants in the District of Columbia Department of Human Resources Medicaid program (DHR), and further limited by an equipment restriction not pertinent hereto.

The Commission held that portion of the application seeking to serve DHR in abeyance stating that a hearing had already been scheduled "... to reconsider previously denied applications for authority to serve DHR pursuant to remand by the United States Court of Appeals for the District of Columbia Circuit. Inasmuch as the remanded proceedings predate Murray's application, they will be given prior consideration." In Order No. 2065, served December 5, 1979, and incorporated by reference herein, the Commission found that the continued growth of DHR's transportation needs, increased public awareness of the program and the withdrawal of an existing carrier from the field, among other things, justified grants of authority to three applicants involved in the Court remand proceeding. We specifically recognized

... that our decision is likely to cause a short-term decrease in the revenues and profit levels of presently certificated carriers inasmuch as expansion of the industry to 14 carriers may not be fully offset by an already-realized demand increase. Future demand, while somewhat speculative, appears

likely to increase but not at the same rate of growth that has been achieved in the recent past Accordingly, we find that our decision herein will result in a somewhat generous service level which will be fully consistent with the reasonably foreseeable public convenience and necessity. 1/

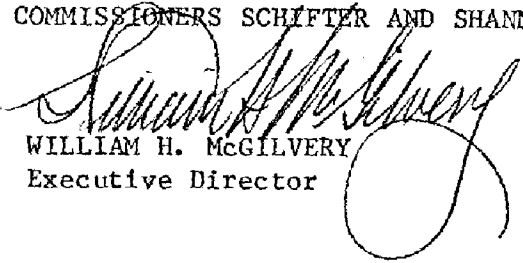
The Commission has taken notice of the findings in Order No. 2065 as well as the additional evidence filed by Murray concerning DHR Medicaid transportation performed during the first five months of 1979. 2/

The Compact, Title II, Article XII, Section 4(b), provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity, otherwise, such application shall be denied."

The Commission finds that to the extent Murray seeks authority to serve DHR, the application should be denied. The evidence submitted by Murray, containing a summary of Medicaid transportation performed during the first 5 months of 1979, is based on the number of trips that can be performed, on the average, by the 12 carriers existing on May 31, 1979, using the Commission's estimate of 120-130 vehicle trips a month per van as 100% capacity. The summary shows, according to Murray, that there is an excess of 215 trips per month that are not being handled. However, as noted above, the addition of three carriers (and the withdrawal of an existing carrier) expands the industry to 14 carriers, clearly a sufficient number to meet DHR's present and future service needs.

THEREFORE, IT IS ORDERED that Case No. AP-79-05 filed by Rosetta D. Murray trading as Murray's Non-Emergency Transport Service, except to the extent granted in Order No. 2015, served August 7, 1979, is hereby denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director

1/ Order No. 2065 at page 13.

2/ See Order No. 2015, served August 7, 1979.